

Practitioner's Docket No.: 868_012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Noriaki KATO, Hiroshi NAGANO, Kaori TANIKO and
Takahito JOMORI

Ser. No.: 10/587,320

Art Unit: 1618

Filed: May 10, 2007

Examiner: Nissa M. Westerberg

Confirmation No.: 4731

For: PROPHYLACTIC OR THERAPEUTIC AGENT FOR DIABETIC
MACULOPATHY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97(c)**

**TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under § 1.113,
- (2) a notice of allowance under § 1.311 or
- (3) an Office Action that closes prosecution.

STATEMENT OR SUBMISSION FEE

2. Accompanying this transmittal is

A. ☒ a statement as specified in 37 C.F.R. 1.97(e).

OR

B. ☐ the submission fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

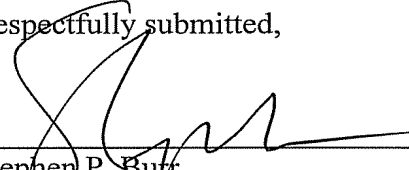
METHOD OF PAYMENT OF FEE

3. ☐ Attached is a check in the amount of \$_____.
☐ Charge Account No. 50-1446 in the amount of \$_____.
☐ The fees associated with this paper are being paid electronically with this submission.
4. ☒ If any additional fees are due, please charge Deposit Account 50-1446.

Respectfully submitted,

May 26, 2009

Date



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CERTIFICATION UNDER 37 C.F.R. § 1.97(e)

Sir:

☒ Each item of information contained in the Information Disclosure Statement filed herewith was *first* cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

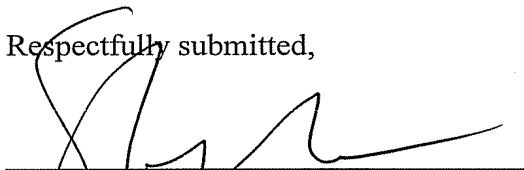
OR

☐ No item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

May 26, 2009

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INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. Copies of each of the references listed on Form PTO-1449 are attached.

Also enclosed is a copy of a European Search Report bearing a mailing date of April 6, 2009 from a corresponding European patent application, and the U.S. PTO is directed thereto for a concise statement of possible relevance of the references cited therein.

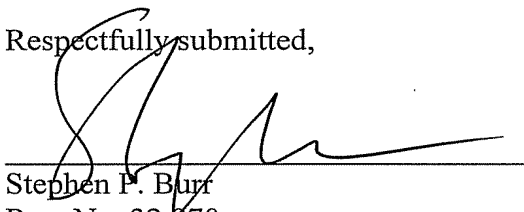
The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that these references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

May 26, 2009

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